

Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Ordinance 2006

Commonly Asked Questions

General information

Q 1 : Are all Chinese medicine practitioners recognized for performing the medical functions as stipulated under the Certification for Employee Benefits (Chinese medicine)(Miscellaneous Amendments) Ordinance 2006 (“Amendment Ordinance”)?

A 1 : Under the Amendment Ordinance, only **registered Chinese medicine practitioners** are recognised for performing specified medical functions which include giving medical treatment, examination and certification to employees. A registered Chinese medicine practitioner refers to a person who is registered under section 69 of the Chinese Medicine Ordinance (Cap.549) or who is on limited registration under section 85 of that Ordinance and whose name appears on the Register of Chinese Medicine Practitioners.

Q 2 : How can one tell whether a person is a registered Chinese medicine practitioner or not?

A 2 : Members of the public can differentiate a registered Chinese medicine practitioner from one who is not through the following means —

(i) Checking the person’s title:

- A registered Chinese medicine practitioner is entitled to be known in English as “registered Chinese medicine practitioner of the Chinese Medicine Council of Hong Kong” or the abbreviation “registered Chinese medicine

practitioner” and in Chinese as “香港中醫藥管理委員會註冊中醫” or “香港中醫藥管理委員會註冊中醫師” or the abbreviation “註冊中醫” or “註冊中醫師”;

- A registered Chinese medicine practitioner may use the addition or description of “general practice”, “acupuncture” or “bone-setting” after his title.

(ii) Checking up on the homepage of the Chinese Medicine Council:

A list of registered Chinese medicine practitioners (including those on limited registration) has been uploaded onto the homepage of the Chinese Medicine Council for public consumption. The website is <http://www.cmchk.org.hk>.

(iii) Checking the person’s practising certificate

As required by the “Code of Practice for Registered Chinese Medicine Practitioners in Hong Kong”, a registered Chinese medicine practitioner should display his practising certificate at a conspicuous place in his clinic.

Q 3 : How to access the “Code of Practice for Registered Chinese Medicine Practitioners in Hong Kong”?

A 3 : The “Code of Practice for Registered Chinese Medicine Practitioners in Hong Kong” is uploaded onto the homepage of the Chinese Medicine Council. The website is <http://www.cmchk.org.hk>.

Q 4 : If an employer or an employee has any doubts about the medical certificate issued by a certain registered Chinese medicine practitioner, where should they turn to?

A 4 : An employer or an employee who has any doubt on the information stated in a medical certificate should make inquiries directly with the attending registered Chinese medicine practitioner who issued

the medical certificate.

Q 5 : How can an employer or an employee make an enquiry or a complaint if he has any doubts on the practice of a registered Chinese medicine practitioner or suspects that the practice of a certain registered Chinese medicine constitutes professional misconduct?

A 5 : Members of the public who have any doubts on the practice of a registered Chinese medicine practitioner or suspect that the practice of a certain registered Chinese medicine practitioner constitutes professional misconduct can make an enquiry or complaint with the Chinese Medicine Practitioners Board of the Chinese Medicine Council of Hong Kong through the following contact means:

Address: 37/F Wu Chung House,
213 Queen's Road East,
Wanchai, Hong Kong.

Tel. no.: 2121 1888

Fax no.: 2121 1898

Website: <http://www.cmchk.org.hk>

Amendments to the Employment Ordinance

Q 6: What is the objective of introducing amendments to the Employment Ordinance under the Amendment Ordinance?

A 6: As far as the Employment Ordinance is concerned, amendments are made to recognize the medical treatment, examination and certification given by registered Chinese medicine practitioners for the purpose of employees' entitlement to benefits under the Employment Ordinance. Relevant items include sickness allowance, maternity protection and long service payment etc.

[Remarks: Please refer to Q&A No. 7 for details.]

Q 7: Under the part of the Amendment Ordinance relating to the Employment Ordinance, what are the medical functions that a registered Chinese medicine practitioner is recognized for performing?

A 7: A registered Chinese medicine practitioner is recognized under the Employment Ordinance for performing by and large the same medical functions as those of a registered medical practitioner, which include the following:

(a) Issuing medical certificates

A registered Chinese medicine practitioner can issue:

- a medical certificate (sick leave certificate) certifying a person's period of unfitness for work on account of sickness;
- a certificate certifying a person's pregnancy and the expected date of confinement;
- a certificate certifying a person's absence from work to attend a medical examination in relation to her pregnancy or post confinement medical treatment, or by reason of miscarriage;
- a certificate certifying a person's unfitness for work on

ground of illness or disability due to pregnancy or confinement;

- a certificate certifying a person's unfitness to handle heavy, hazardous or harmful work due to pregnancy; and
- a certificate certifying a person's permanent unfitness for his present job.

(b) Conducting medical examination

- Upon an employer's request, to conduct medical examination for a pregnant employee, who has produced a certificate as to her unfitness to handle certain heavy, hazardous or harmful work, for the purpose of certifying or giving opinion on her unfitness for such work;
- Upon an employer's request, to conduct medical examination for an employee, who has produced a certificate as to his permanent unfitness for his present job, for the purpose of certifying or giving opinion on his permanent unfitness for his present job; and
- To conduct medical examination for a child and issue a certificate as to his fitness for employment in certain work in accordance with the Employment of Children Regulations.

Q 8 : Are registered Chinese medicine practitioners recognized for certifying the date of confinement of a pregnant employee under the Amendment Ordinance?

A 8 : No. Since registered Chinese medicine practitioners are not trained to attend a woman in childbirth, they are not recognized for certifying the actual date of confinement of a pregnant employee.

Q 9 : If a pregnant employee produces a medical certificate indicating her unfitness to handle heavy, hazardous or harmful work or if an employee produces a certificate certifying that he is permanently unfit for his present job, is the employer allowed under the Amendment Ordinance to appoint a registered medical practitioner or a registered Chinese medicine practitioner to conduct a medical examination to obtain a second medical opinion, regardless of whether the employee has consulted a registered medical practitioner or a registered Chinese medicine practitioner?

A 9 : The Amendment Ordinance stipulates that, under the Employment Ordinance, if a pregnant employee produces a medical certificate as to her unfitness to handle heavy, hazardous or harmful work, or if an employee produces a certificate certifying that he is permanently unfit to perform his present job, the employer may, at his own expense, arrange for the employee to attend another medical examination by a registered medical practitioner or a registered Chinese medicine practitioner to obtain a second medical opinion, regardless of whether the certificate produced by the employee is issued by a registered medical practitioner or a registered Chinese medicine practitioner.

Q 10 : If the recognized scheme of medical treatment operated by an employer only covers treatment given by a registered medical practitioner but not a registered Chinese medicine practitioner, can the employee receive treatment from a registered Chinese medicine practitioner outside the scheme and is still entitled to sickness allowance?

A 10 : If the recognized scheme of medical treatment operated by an employer does not cover treatment given by a registered Chinese medicine practitioner, the employee may choose to receive

treatment from any registered Chinese medicine practitioner. Likewise, if the recognized scheme of medical treatment operated by an employer does not cover treatment given by a registered medical practitioner or registered dentist, the employee may choose to receive treatment from any registered medical practitioner or registered dentist.

The employee will be entitled to sickness allowance if he meets other eligibility criteria as stipulated by the Employment Ordinance.

[Note: A recognized scheme of medical treatment means a scheme of medical treatment operated by an employer and recognized by the Director of Health by way of a notice published in the Gazette.]

Q 11 : The part of the Amendment Ordinance relating to the Employment Ordinance becomes effective on 1 December 2006. If a medical certificate issued by a registered Chinese medicine practitioner on or after 1 December 2006 is related to sickness days that occur before the aforesaid commencement date, will the sickness days be recognized?

A 11 : According to the Amendment Ordinance, if a medical certificate issued by a registered Chinese medicine practitioner on or after the commencement date (i.e. 1 December 2006) covers sickness days, period of maternity leave or incapability of work that occur before that date, the period preceding the commencement date will not be recognized.